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EXAMINER

MIRZA, ADNAN M

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/822,703
Filing Date: March 30, 2001
Appellant(s): BASSON ET AL.

Kevin M Mason
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/11/2007 appealing from the Office action mailed

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Prior Art Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

2001/0025301

Anderson

6,584,490

Schuster et al

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. 2001/0025301) and further in view of Schuster et al (6,584,490).

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As per claims 1,21,36 Anderson disclosed a method for prioritization of a network for one or more preferred groups, the method comprising the steps of: a) determining if network information is assigned to one or more preferred groups; and b) configuring a network to assign a higher priority to the network information when the network information is assigned to one or more preferred groups (Page. 4, Paragraph. 0043),

However Anderson did not disclose in detail, “the higher priority being relative to network information not assigned to one or more preferred groups”.

In the same field of endeavor Schuster disclosed, “A selected low priority level would block calls from certain individuals, which calls from other individuals may be deemed important enough to set a high enough priority level to interrupt the business meeting” (col. 8, lines 58-62).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated A selected low priority level would block calls from certain individuals, which calls from other individuals may be deemed important enough to set a high enough priority level to interrupt the business meeting as taught by Schuster in the method of Anderson to reduce latency by improving priority scheduling.

3. As per claims 2,22,37 Anderson-Schuster disclosed wherein step (b) further comprises the step of marking the network information assigned to one or more of the preferred groups with

a label, the label indicating that the network information is assigned to a preferred group (Anderson, Page. 4, Paragraph. 0047).

4. As per claims 3,23,38 Anderson-Schuster disclosed further comprising the step of receiving the network information; wherein step (a) further comprises the step of determining that the network information assigned to one or more of the preferred groups comprises the label (Anderson, Page. 4, Paragraph. 0040); and wherein step (b) further comprises the step of transmitting the network information assigned to one or more of the preferred groups before previously received network information is sent, the previously received network information not assigned to one or more of the preferred groups (Anderson, Page. 12, Paragraph. 0157).

5. As per claims 4,24 Anderson-Schuster disclosed further comprising the step of receiving the network information; wherein step (a) further comprises the step of determining that the network information assigned to one or more of the preferred groups comprises the label; and wherein step (b) further comprises the step of assigning priority of information within a queue (Page. 5, Paragraph. 0045), wherein the queue comprises additional network information that does not have the label and that was received before the network information having the label, and wherein the network information having the label is assigned higher priority than the additional network information (Anderson, Page. 14, Paragraph. 0183).

6. As per claim 5 Anderson-Schuster disclosed wherein step (b) further comprises the step of transmitting, based on the priority, the network information having the label before the

additional network information, which does not have the label, is transmitted (Anderson, Page. 14, Paragraph. 0183).

7. As per claim 6 Anderson-Schuster disclosed further comprising the step of receiving the network information; wherein step (a) further comprises the step of determining that the network information assigned to one or more of the preferred groups comprises the label; and wherein step (b) further comprises the steps of determining if there is a fast path over which the network information assigned to one or more of the preferred groups can be sent (Anderson, Page. 15, Paragraph. 0189); and transmitting the network information assigned to one or more of the preferred groups over the fast path when there is a fast path (Anderson, Page. 15, Paragraph. 0195).

8. As per claims 7,39 Anderson-Schuster disclosed wherein step (b) further comprises the steps of: determining if the network information assigned to one or more of the preferred groups is being routed to or from an application running on a server; and increasing resources of the application when the application is running on a server and when the network information assigned to one or more of the preferred groups is assigned to a preferred group (Anderson, Page. 18, Paragraph. 0226-0227).

9. As per claims 8,25,40 Anderson-Schuster disclosed wherein step (a) further comprises the steps of: identifying a user; determining if a user belongs to a preferred group; and assigning

network information to a preferred group when the user belongs to a preferred group (Anderson, Page. 4, Paragraph. 0040).

10. As per claim 9 Anderson-Schuster disclosed wherein step (a) further comprises the step of determining, when the user does belong to a preferred group, if the user is using an application for a preferred purpose; and wherein the step of assigning network information to a preferred group when the user belongs to a preferred group further comprises the step of assigning network information to a preferred group when the user belongs to the preferred group and when the user is using an application for a preferred purpose (Anderson, Page. 19, Paragraph. 0237-0237).

11. As per claim 10 Anderson-Schuster disclosed wherein the step of assigning network information to a preferred group when the user belongs to a preferred group further comprises marking the network information with a label, indicating that the network information is assigned to a preferred group, when the user belongs to a preferred group (Anderson, Page. 19, Paragraph. 0236).

12. As per claims 11,26,41 Anderson-Schuster disclosed wherein the preferred groups comprise one or more of people with disabilities and medical professionals (Anderson, Page. 19, Paragraph 0235).

As per claims 12,27,42 Anderson-Schuster disclosed wherein step (b) further comprises the steps of determining, at a firewall, if an application is to be blocked; and blocking network information

from or to the application unless the network information is assigned to a preferred group (Anderson, Page. 17, Paragraph. 0216).

13. As per claims 13,28,43 Anderson-Schuster disclosed wherein step (a) further comprises the steps of: comparing input biometric data from an individual with stored biometric data in a database; determining if the input biometric data matches the stored biometric data; and determining that the network information belongs to a preferred group when the input biometric data matches the stored biometric data (Anderson, Page. 8, Paragraph 0108).

14. As per claims 14,29,44 Anderson-Schuster disclosed a method for prioritization of networks for preferred groups, the method comprising the steps of: requesting a prioritization privilege of an individual; determining, by accessing a database (Anderson, Page. 4, Paragraph. 046), the prioritization privilege of the individual; and configuring a network to assign a higher priority to network information assigned to the individual when the prioritization privilege indicates that the network information belongs to a preferred group (Anderson, Page. 4, Paragraph. 0040).

15. As per claims 15,30,45 Anderson-Schuster disclosed wherein the prioritization privilege comprises one or more of dates of use information, prioritization level information, and purpose information (Anderson, Page. 4, (Paragraph. 0039).

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16. As per claims 16,31,46 Anderson-Schuster disclosed wherein the step of configuring further comprises marking the network information with a label, which indicates that the network information belongs to a preferred group, when the prioritization privilege indicates that the network information belongs to a preferred group (Anderson, Page. 19, Paragraph. 0235).

17. As per claims 17,32,47 Anderson-Schuster disclosed a method for prioritization of a network for one or more preferred groups, the method comprising the steps of: determining if an individual belongs to one or more preferred groups; marking network information associated with the individual with a priority label; and configuring a network to assign a higher priority, as compared to network information not marked with a priority label, to the marked network information (Anderson, Page. 14, Paragraph. 0183).

18. As per claims 18,33,48 Anderson-Schuster disclosed wherein the step of marking network information associated with the individual with a priority label comprises the step of marking network information produced by an application the individual is using with a priority label (Anderson, Page. 14, Paragraph. 0183).

19. As per claims 19,34,49 Anderson-Schuster disclosed wherein the step of determining if an individual belongs to one or more preferred groups comprises the steps of determining if the individual exists in a database that comprises the one or more preferred groups; determining a priority privilege of the individual when the individual exists in the database (Anderson, Page. 4, Paragraph. 0045); and determining, when the individual exists in the database, if the priority

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privilege indicates that network information associated with the individual is to be prioritized (Anderson, Page. Paragraph. 0040).

20. As per claims 20,35,50 Anderson-Schuster disclosed wherein the step of determining if an individual exists in a database that comprises the one or more preferred groups comprises the steps of determining if biometric data entered by the individual matches biometric data for a person in the database (Anderson, Page. 8, Paragraph 0108); and determining that the person is the individual and that the individual exists in the database when the biometric data entered by the individual matches biometric data for a person in the database (Anderson, Page. 8, Paragraph. 0109).

10) Response to Argument

Applicant's arguments filed 09/11/2007 have been fully considered but they are not persuasive. Response to applicant's argument is as follows.

A. Applicant argued that prior art did not disclose, "configuring a network to assign a higher priority to the network information when the network information is assigned to one or more preferred groups".

As to applicant's argument Anderson disclosed, "a packet prioritization station is provided either as an integral part of the switching station, or as an addition, such as an auxiliary expansion card

or board (AEC). If embodied as an AEC, the packet prioritization station may have a bus linked to the bus of the switching station by an interrupt controller that triggers the packet prioritization station when the proper conditions are met in the switching station (Page. 4, Paragraph. 0039)".

B. Applicant argued that prior art did not disclose, "priorities are utilized for configuring a network to assign a higher priority to the network information when the network information is assigned to one or more preferred groups".

As to applicant's argument Schuster disclosed, "A selected low priority level would block calls from certain individuals, which calls from other individuals may be deemed important enough to set a high enough priority level to interrupt the business meeting" (col. 8, lines 58-62).

C. Applicant argued that prior art did not disclose, "Priorities are utilized for configuring a network to assign a higher priority to the network information".

As to applicant's argument Anderson disclosed, "The priority of a packet is a designation that determines whether the packet is transmitted before or after other packets. This determination must be made when not all can be simultaneously transmitted, as is the case when multiple packets must go through a single outgoing port. Thus, the relative priorities of multiple packets may be compared to determine a "transmission order of the packets" (Page. 11, Paragraph. 0152). One ordinary skill in the art at the time of the invention knows that the network

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information is also interpreted as transmission packets and the order of transmission packets is also relate as prioritize network information.

D. Applicant argued that prior art did not disclose, marking network information associated with the individual with a priority label; and configuring a network to assign a higher priority, as compared to network information not marked with a priority label, to the marked network information “.

As to applicants argument Schuster disclosed, “In addition, a global priority level may be set for all entries. The user may enter a level at the global priority level to set the priority level for all users in the address book (and/or for all appointments in an appointment book). A priority time limit may be set for a selected level that indicates a do not disturb for a time period. As an alternative the address book entries (and/or the appointment book entries in an appointment book application) may be placed into different categories, such as business or personal, etc. Each category could then be assigned a priority level so that incoming calls for a particularly category will be handles according to the assigned priority level (col. 26, lines 52-63).

E. Applicant argued that prior art did not disclose, “the network information belongs to a preferred group when the input biometric data matches the stored biometric data”.

As to applicant’s argument Anderson disclosed, “A Customer database may be maintained therein may coordinate with billing module. A redundant database is also preferably included.

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The redundant database may be located at a distant site such that it maintains a copy of all data in the case of a failure of the customer data (Page. 8, Paragraph. 0108).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reason, it is believed that the rejections should be sustained.

Respectfully submitted,


Adnan Mirza

September 05, 2007

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